

WILLARD CITY CORPORATION PC080615

DATE: August 6, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Sidney Bodily, Leslie Meyer, Gary Hart, Chandler Bingham, John Seamons
Bryce Wheelwright - City Planner (non-voting member)
Michelle Mund - City Council member (non-voting member)
Gaylene Nebeker - Planning Commission Secretary

EXCUSED:
CITIZENS: See attached sheet

1. **Prayer** – Sid Bodily
2. **Pledge of Allegiance** conducted by Michelle Mund
3. **General Public Comment (Input for items not on the agenda)**
Alex and Nova Dubovick along with his parents Jim and Mary who just moved here from Layton to 349 South 300 East. They stated they were happy to move out of a monopoly type subdivision into a beautiful community. They have a military background and are from the Chicago area and said he grew up in a town of about 5000 which has since grown by about 500-600%. With that came higher taxes and crime and more investment and that is why they decided to come to a smaller community.

Chairperson Ross asked for a motion to close the public comment.

A motion was made by Commissioner Bodily to close the General Public Comment portion of the meeting. The motion was seconded by Commissioner Meyer. The motion carried.

City Planner Wheelwright asked that the agenda be amended to hear item #b first and asked for a motion.

A motion was made by Commissioner Bingham to amend the agenda to hear item #b first. The motion was seconded by Commissioner Bodily. The motion carried.

4. **Discussion Item**

b. Byron Richards – A discussion on a proposed extension of 300 East from Center Street to 100 South

City Planner Wheelwright stated Byron Richards came into the office to discuss changes he would like to make to his property located at 300 East Center. He explained there were two parcels of land and he is wanting to put a house on one of the parcels but there is currently a house located on the parcel.

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Byron Richards explained he is looking to build another house on the rental property but wanted to leave the other house standing for at least 2 years or until it is not occupied and is looking for a solution. City Council member Mund asked what the acreage was. Byron stated both parcels are slightly more than a 1/2 acre, and one of the parcels is considered a flag lot. City Planner Wheelwright stated under the ordinance his property could be considered grand-fathered. Byron said he would like to build the house for his mother who is having some health issue and would like to have her closer to him so he can take care of her. City Planner Wheelwright reported one of the issues is one lot has no frontage on a city street. City Council member Mund asked about access. Mr. Richards showed on the map the accesses to his property. There is a 25 ft. square area that belongs to the flag lot but he cannot block it. He showed on the map an area that he says has been removed from the Willard City Plat map by a court decision but was not sure when it was done he can only assume it was for the gas distribution line that was put in. His suggestion would be to give the city a 33 ft. radius on the corner which would still allow him to have a legal lot. That parcel of property belongs to Whitney Lund but Rocky Mountain Power took access of it. There was discussion held on where the 300 East road ends and it was stated by John Zundel's house.

City Planner Wheelwright gave an overview of what Mr. Richards is proposing, has a 1 acre parcel of land that he is wanting to put 3 houses on with no frontage on any of them and said at this time it does not meet our current ordinances. If he was to get an easement to continue 300 East it would solve his frontage problem but not the area problem. Commissioner Meyer asked if the house was torn down would this give him the frontage needed to rebuild where it currently stands. City Planner Wheelwright stated at this time it is a legal non-conforming lot that has a home on it, if he upgrades the home it would benefit everyone, but our ordinance states it is not allowed and felt this is something the Planning Commission needed to look at. If he wants to take down the house and build the exact same square footage we would allow it.

City Council member Mund asked Commissioner Bodily who lives in the area his opinion on the situation. City Planner Wheelwright stated if 300 East goes in Mr. Richards would not be able to give up the 60 ft. required for the road because it would make his lots non-conforming and if Whitney Lund was to give up land it would be an improvement for them but is not sure they would want to do that. There was discussion held on putting in pavement from Center Street to 100 South. Commissioner Meyer asked who would be responsible for putting in the road. City Planner Wheelwright said Mr. Richards would be. What would be required to put in 300 East and is there a plan. City Planner Wheelwright stated not at this time. Mr. Richards stated at one time there was a survey done to put in 300 East, they were proposing to take the back part of his property which would have given him 2 non-conforming lots and would have cost the city money because of the drop in property values for the properties they would have went through. He also stated the actual easement to the properties to the east would have put the road 6 ft. from onto one property and taken 12 ft. of a barn that belongs to David Lefors. City Council member Mund stated the City Council has discussed 300 East for many years and they have always said no to putting it in.

Commissioner Bingham said the problem is there was no legal access to either of Mr. Richard's lots with the road ending before his lots starts. Commissioner Bodily said when the Huckabee's moved that house in the other house was supposed to be torn down and never was. City Planner Wheelwright showed Commissioner Hart on the map where the access was to the rental house. Mr. Richards stated the rental house has been where family and friends who are having financial difficulties come to live. The current renter is having some difficulties and he does not feel right about kicking her out. Commissioner Seamons asked what the sq. ft. of the rental house was. Mr. Richards stated about 900 sq. ft. City Planner Wheelwright asked what size of house he would like to put in. Mr. Richards stated about the same size.

Helen Jane Lemon asked the Planning Commission for some time to give history on the house. She and her husband owned the property at one time and bought the home from the Huckabee's and then purchased the second house at a different time. City Planner Wheelwright said Mr. Richards could build a house the same size as the one currently there but he would have to tear

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the old one down and replace it with the new one. Commissioner Bodily asked if it would need to be put at the same location. City Planner Wheelwright said there was nothing in the ordinance that states he has to build it on the same spot he would just need to meet all the setback requirements. City Council member Mund asked with the lot being grand-fathered you would not be able to use the grand-father clause because it is a new house. City Planner Wheelwright stated Willard has allowed someone to build a new house on a grand-fathered lot but the houses were torn down within a specific amount of time. Mr. Richards stated he is looking for a variance to have two homes on the property at one time for a period of 2 years or until one of the homes is not occupied. Chairperson Ross asked about a conditional use permit like Willard issued for Stacy Younger. Commissioner Meyer stated Stacy Younger had the frontage and it was not grand-fathered and felt it was a different issue. She also asked for some time to look at rules and policies before a decision is made.

Commissioner Seamons stated if 300 East is never going to go through we need to tell him up front that it is never going to happen. City Planner Wheelwright said there are no plans at this time to put in 300 East. City Planner Wheelwright said the current Willard City Ordinance states with any development the developer is responsible for paving up to and through their property and Mr. Richards would be responsible for paving from the northeast corner of his property to 100 South and felt those living along the road should help with the development of the road but the way the ordinance is written he would be the one responsible.

Mr. Richards said there was a plan about 10 years ago that showed looping Center Street around the utility property and then continuing on to 100 South. City Planner Wheelwright stated where the lane ends and Willard City owns property it is 22.5 ft. wide and Willard City requires a 60 ft. right of way. There was discussion held on the requirements for paving the road and if what could be done. 300 East is on the Master Road Plan. City Council member Mund asked if the road was snow plowed. City Planner Wheelwright stated yes, a portion of it. Chairperson Ross stated at this time Mr. Richards only options are to tear down the old house and build a new one or build a new house and then tear down the old house but frontage is going to be an issue.

Commissioner Seamons left at 7:00 p.m. due to a prior commitment.

There was discussion held on frontage and the lot being grandfathered. City Planner Wheelwright stated in the past we have allowed individuals to build another house on their property while living in the old house and then they were given a specific amount of time to have the old one tore down. With Mr. Richards he is asking to build a second house and keep the other until a parent or renter leaves which could be two or more years. Willard City has only allowed individuals 30-60 days to have their other house taken down.

Commissioner Meyer asked when he builds a new house and has to tear down the old one could he drive to the new house with the existing roads without addressing the streets. Mr. Richards stated he could drive to the house. City Council member Mund asked for clarification on the grandfathered lot. Commissioner Hart asked Mr. Richards the sq. ft. of the house he is living in and why his mother doesn't move in with him. He stated his mother is independent and wants to live on her own.

Commissioner Meyer suggested the Planning Commission take time to look at the ordinances and rules before a decision can be made. At this time it goes against our ordinance and the Planning Commission needs to make a determination of whether we can even help him while maintaining our rules and regulations. Commissioner Bingham asked as part of the conditions of the building permit that Mr. Richards has to maintain the right of ways along 300 East in case the city wants ever wants to put

in 300 East. A discussion was held on where to put the proposed road and where Mr. Richards would need to put his house. Mr. Richards stated in the discussion held earlier about Center Street looping he had talked to the State and they said when the group of lots were removed from the Willard City Plat Map the easements were lost so there is no easement at the back of the property.

Commissioner Bingham asked how we find out what the easements are. Mr. Richards stated he could show the plats that were in the original discussion held on 300 East (he ran to the car to get the maps.) City Planner Wheelwright stated in Section 12-102-3 it explains what needs to be done. There was a discussion held on easements and 300 East. Mr. Richards showed a plat from the area and thought he may have given the original plat to the Igo's or LeFors but showed on the map he had the area that was removed from Willard City and the State says belongs in the County. He showed on the map a 4 acre parcel of property which includes his property that he says belongs in the County. There were questions on if the property belongs in Willard City or the County and asked City Planner Wheelwright if he would go to the County and do some research.

City Planner Wheelwright stated if Mr. Richards wishes to proceed he would need to submit an application for a building permit. Mr. Richards said with the city not allowing two houses to remain on the one parcel for longer than 30-60 days he felt he would consider the case closed and thanked the Planning Commission for their time. Chairperson Ross suggested the Planning Commission take some time and address some of the issues and asked Mr. Richards if he wanted the Planning Commission to do more research. Mr. Richards said after listening to the discussion the Planning Commission would need the house to come down within 30-60 days and the house would need to remain for longer than two years. Commissioner Bingham said Willard City cannot have two houses on one property for that long of a time without allowing everyone else the same option. Mr. Richards felt the only way to offset that was to give the city the chunk of land at the back of his property to put in a lane or pay some type of fine.

City Planner Wheelwright stated he would go to the County and see what he could find out and would meet with Mr. Richards to see whether he would like to proceed.

a. Discussion on a Proposed Commercial Neighborhood Zone from 1450 North to the south city limits and set for public hearing

City Planner Wheelwright stated there was no quorum at the last meeting to approve the proposed Commercial Neighborhood Zone and asked for any additional questions or concerns. At previous meetings it was said that the State is not allowing anymore homes along the highway because of access. He also stated there are individuals who have wanted to build on Hwy 89 and were told they could not but after talking to other individuals who are looking at property to build on are told they would be allowed to build. City Council member Mund asked why the State would not allow someone to build on the highway. Because they only allow a certain number of accesses off of Hwy 89. City Council member Mund stated businesses would be different than residential. City Planner Wheelwright stated what can be put in Commercial Neighborhood is different than what can be put in a Commercial General. It would be smaller businesses without smoke stacks and manufacturing. City Council member Mund asked about excavations. It was stated excavation would not be allowed in the Commercial Neighborhood zone. City Planner Wheelwright said in Chapter 12-112 it shows what is allowed in each zone.

Chairperson Ross read from the matrix on building materials. Jim ? in the audience stated if you have any commercial along the corridor you would want to keep it for a tax base so if you look at keeping it residential you would be losing tax dollars. Chairperson Ross asked what the next step would be. City Planner Wheelwright said the Planning Commission could recommend the City Council for a public hearing stating only one public hearing needed to be held. He asked for any additional comments.

Commissioner Meyer stated her only concerns would be it is hard to turn off of Hwy 89 with no turn lanes and asked if commercial would be required. City Planner Wheelwright stated it would be up to the developer to get UDOT approval and not the cities.

A motion was made by Commissioner Meyer to recommend to the City Council the approval of the amended Future Land Use Map to Commercial Neighborhood Corridor from 1450 North Hwy 89 to the south city limits. The motion was seconded by Commissioner Bodily. The motion carried.

c. Review of Section 12-110 Zoning Districts

City Planner Wheelwright asked if the Planning Commission had reviewed this section. Commissioner Meyer stated there are several items that could be improved on, she read the introduction and said it just needed cleaning up. She also read from 12-110-5a which states zone changes will only be heard at the regular January, April, July and October meetings. She said we do not always have re-zones and asked if we could change the ordinance to if applicable or as needed basis. Chairperson Ross felt that if someone comes in the day after April meeting they would need to wait until July to be heard. City Planner Wheelwright stated the re-zone application must be submitted 30 days prior to those quarterly meetings. They pay their fee and he reviews the proposal to make sure it fits with current ordinance and then presents it to the Planning Commission. Commissioner Bodily stated we just incorporated quarterly into the ordinance a few years ago. Chairperson Ross felt if we are trying to be more user friendly with the community there should be another way to go. Commissioner Bodily stated before it was put in the ordinance citizens were coming in whenever they wanted for a re-zone. City Planner Wheelwright stated re-zoning is a long process so that is why they went to quarterly so it could be controlled. He said if a re-zone is the Planning Commission needs to go through the public hearing process, notify those living within ¼ mile of the proposed re-zone, change the maps etc. Commissioner Meyer suggested the Planning Commission read through the ordinance together and address issues. Commissioner Meyer was asked to clean up the ordinance for the next meeting.

A motion was made by Commissioner Bingham to table this item to allow Commissioner Meyer time to address changes. The motion was seconded by Commissioner Hart. The motion carried.

5. Approval of Minutes

The minutes of the July 16, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Meyer to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Bingham. The motion carried.

6. **Commissioner Comments/Staff Comments**

Commissioner Hart stated in their HOA meeting their Subdivision Plat Map was looked at and the road shows 25 ft. both ways and when measured it shows 30 ft. and asked how it was measured. City Planner Wheelwright said there is a 50 ft. right of way with 24 ft. of pavement, 4 ft. for sidewalks. Commissioner Hart asked if the property line starts at the road or further back. City Planner Wheelwright said it starts further back and said the setbacks are very small in that area.

Commissioner Meyer said they have always had very little water pressure but this week the pressure has increased and asked why. City Planner Wheelwright said the city had replaced bad pressure reducer valves.

Commissioner Bodily asked if there was any new information on the proposed developments. City Planner Wheelwright stated Granite Ridge had submitted a final plat that has been turned over to the engineer for review and they are working with Granite Ridge on some issues. He did say their final plat was exactly what they said it would be.

City Council member Mund asked if the water tanks were still part of their plan. He stated yes. He also stated Willard City is also looking at water storage issues. Granite Ridge however is responsible for their water and are willing to put in a tank to supply and as a city we need to upsize the tank and are looking at different ways to pay for this.

Commissioner Bingham asked about the Nuisance Ordinance. City Planner Wheelwright has a meeting with the Attorney and Police Chief on Monday to discuss the Nuisance Ordinance and also draft an ordinance for the 200 West Trail. He has sent nuisance letters out to residents. He has met with the Wasatch Front Regional Council who came out and looked at the trail and they want to use the plan for other projects and they will be talking to Perry City about continuing the trail to Perry City. The trail when complete will run from North Brigham to Lehi. The Willard Basin project is working through some issues with the grant and in-kind work that is not being done.

7. **Adjourn**

A motion was made by Commissioner Bodily to adjourn the August 6, 2015 Planning Commission meeting. The motion was seconded by Commissioner Hart. The motion carried. The meeting adjourned at 7:57 p.m.

Minutes were read individually and approved on **September 3, 2015**